

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GEORGIA DURST
Plaintiff,

vs.

ROBERT P. HAITHCOCK and
PARSONS TRUCKING COMPANY,
INC.
Defendants.

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CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, PARSONS TRUCKING COMPANY, INC., a Defendant in the above-entitled and numbered civil action (hereinafter referred to as "Defendant"), and would respectfully show the Court as follows:

1. Defendant is a party in the above-entitled action now pending in the 401st Judicial District Court of Collin County, Texas, Cause No. 401-02024-2013. Plaintiff also named Robert P. Haithcock (hereinafter referred to as "Haithcock") as a defendant. Haithcock, a resident of North Carolina, has not been served with process in this matter to the best of Defendant's knowledge.

2. Georgia Durst (hereinafter "Plaintiff") filed her Original Petition on May 22, 2013. Defendant was served with process in this matter on or about June 4, 2013. This Notice of Removal is filed within thirty (30) days of Defendant's receipt of the Petition and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

3. Removal of this action is proper under 28 U.S.C. §§ 1332(a) and 1441(a) because complete diversity of citizenship exists as among the named parties and because the amount in controversy exceeds \$75,000.00.

4. In Plaintiff's Original Petition, Plaintiff Georgia Durst, who is a resident of Texas, alleges that on or about May 24, 2011, she was involved in a motor vehicle collision with Haithcock, a resident of North Carolina, who was employed by Parsons Trucking Company, Inc., a corporation with its principal place of business in North Carolina. On May 22, 2013, Plaintiff filed suit against the defendants bringing state law tort claims for negligence and various liability, alleging damages in excess of \$196,318.40.

5. The District Courts of the United States have diversity jurisdiction when there is complete diversity among the parties and when the amount of controversy exceeds \$75,000. 28 U.S.C. § 1332. Because there is complete diversity of a citizenship, and the amount in controversy exceeds \$75,000.00, this case may properly be removed to this Court pursuant to 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders filed in the state court are attached hereto as Exhibit "A."

7. This matter involves an amount in controversy exceeding \$75,000.

8. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of filing of this Notice of Removal to Plaintiff, and is filing a copy of this Notice of Removal with the Clerk of the 401st Judicial District Court of Collin County, Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant Parsons Trucking Company, Inc. prays that the above-mentioned civil action now pending against Defendant in the 401st Judicial District Court of Collin County, Texas be removed to the United States District Court for the Eastern District of Texas, Sherman Division.

Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

D. RANDALL MONTGOMERY

& ASSOCIATES, P.L.L.C.

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ATTORNEYS FOR DEFENDANTS

PARSONS TRUCKING COMPANY, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 28th day of June, 2013.

CMRRR 71791000164918551452

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/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY